

## Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

### Listing of the Claims:

1. (currently amended) A beverage comprising:
  - a) water; ~~and~~
  - b) a monoprotic antimicrobial agent having a pKa of less than about 2.6, or a polyprotic antimicrobial agent having a pKa<sub>1</sub> of less than about 2.6 and a pKa<sub>2</sub> of less than about 3 or greater than about 6, or both; ~~and~~
  - c) at least about 0.01% by weight tea solidswherein the beverage is substantially free of citric acid.
2. (original) The beverage according to claim 1 wherein the antimicrobial agent is monoprotic, the monoprotic antimicrobial agent being sodium bisulfate, potassium bisulfate, ammonium bisulfate, hydrochloric acid or a mixture thereof.
3. (original) The beverage according to claim 1 wherein the antimicrobial agent is polyprotic, the polyprotic antimicrobial agent being phosphoric acid or a hydrochloride of glycine, alanine, valine, leucine, isoleucine, phenylalanine, asparagine, glycine, tryptophan, serine, tyrosine, hydroxyproline, cysteine, proline or mixtures thereof.
4. (original) The beverage according to claim 1 wherein the antimicrobial agent has a pKa from about -7.5 to about 2.5.

5. (original) The beverage according to claim 1 wherein the beverage comprises less than about 0.0030% by weight citric acid.
6. (original) The beverage according to claim 1 wherein the beverage comprises a dairy source, fruit flavor, vegetable, cocoa, coffee, tea or a mixture thereof.
7. (currently amended) The beverage according to claim 1 wherein the beverage is tea-containing and comprises at least about 0.01% to about ~~0.40%~~1.5% by weight tea solids.
8. (original) The beverage according to claim 1 wherein the beverage is tea-containing and comprises from about 0.14% to about 0.40% by weight tea solids.
9. (original) The beverage according to claim 1 wherein the beverage is made from a precursor which is a high solid content tea-containing liquid.
10. (original) The beverage according to claim 1 wherein the beverage is not sweetened.
11. (original) The beverage according to claim 1 wherein the beverage is not carbonated.
12. (original) The beverage according to claim 1 wherein the beverage has a pH from about 2.75 to about 5.0.
13. (original) The beverage according to claim 1 wherein the beverage is thermally treated from about 80°C to about 95°C.

14. (original) The beverage according to claim 1 wherein the beverage is packaged in a glass bottle, plastic bottle, can or Tetra Pak package.

15. (original) The beverage according to claim 4 wherein the antimicrobial agent is sodium bisulfate.

16. (original) The beverage according to claim 1 wherein the beverage comprises less than about 0.0030% by weight citric acid.

17. (currently amended) A method for making a microbiologically stable beverage comprising, in no particular order, the steps of:

- a) mixing a beverage precursor with water and acidulant to produce a mixture;  
and
- b) thermally treating the mixture at a temperature from about 80°C to about 95°C to produce the microbiologically stable beverage

wherein the acidulant is monoprotic and has a pKa of less than about 2.6, or is polyprotic and has a pKa<sub>1</sub> of less than about 2.6 or a pKa<sub>2</sub> of less than about 3 or greater than about 6 and the beverage is tea-containing with at least about 0.01% by weight tea solids.

18. (currently amended) The method according to claim 17 wherein the beverage is a tea-containing beverage that comprises from about 0.01 to about 1.5% by weight tea solids.

19. (original) The method according to claim 17 wherein the beverage comprises a monoprotic antimicrobial agent, the monoprotic antimicrobial agent being sodium bisulfate.

20. (original) The method according to claim 17 wherein the beverage comprises less than about 0.0030% by weight citric acid.